

REMARKS

Claim Objections

The Examiner requested that the word "A" in the first lines of Claims 13 and 14 be replaced with the word "The." The claims have been amended accordingly.

Claim Rejections – 35 USC § 112

The Examiner rejected Claim 12 as being indefinite, contending that the phrase "the answer recording file" in the ninth line of the claim has insufficient antecedent basis. The phrase has been changed to "an answer recording file." Applicant submits that the rejection is obviated.

Claim 1 Rejections – 35 USC § 103

The Examiner contends that Claim 1 is obvious over Henson in view of Van Horn. In order to establish a *prima facie* case of obviousness, there must be a reasonable expectation of success found in the prior art. Additionally, the prior art references must teach or suggest all of the claim limitations. Applicant submits that the cited references fail to teach or suggest all of the claim limitations, that there is not a reasonable expectation of success for the combination of the references, and that one of skill in the art would find it undesirable to combine the references, as described below. Therefore, Applicant submits that Claim 1 and all corresponding dependent claims are in condition for allowance.

The Examiner contends that the customizable computers of Henson can be considered to be commodities under development. Applicant submits that Henson does not describe a fundamental information presenting mechanism for presenting fundamental information concerning a commodity under development to an answerer. In the Office Action, the Examiner contends that a computer being customized is a commodity under development. The Examiner refers to Figures 3A, 3B, 4 and 5, contending that Henson discloses at least eighteen parameters of a computer to be configured, thereby resulting in at least 2^{18} possible computer configurations. However, Applicant emphasizes that Henson merely discloses selecting a combination of components not selecting specifications determining the manufacture of a product. The components shown in Figures 3A, 3B, 4 and 5, are components that are separately available for

purchase and can be installed or connected to a computer by a user. Henson merely provides a convenience of packaging these components together. Van Horn also does not disclose a fundamental information presenting mechanism for presenting fundamental information concerning a commodity under development to an answerer. Thus, Applicant submits that the cited references do not disclose all elements of Claim 1 and that is therefore not obvious in view of the cited art.

Neither of the cited references discloses wherein said answer provides quantitative information regarding the future demand of the commodity under development. The Examiner acknowledges that Henson fails to disclose this limitation (*see* page 12 of the Office Action) but submits that Van Horn discloses such a limitation. The Examiner contends that user inputs regarding new products they would like to purchase provide an indication of quantity of demand for the new product and desired purchasing prices of users for the new product. However, it is important to recognize that the referenced limitation recites providing quantitative information regarding the future demand of the commodity under development. Thus, the system of Claim 1 does not merely obtain quantitative information about any commodity but of the same commodity concerned in the fundamental information presented by the fundamental information presenting mechanism. The system of Claim 1 extends beyond, for example, a 'comment box,' in which a user can input information about any product, but specifically obtains information regarding the future demand of a *specific* commodity.

There is not a reasonable expectation of success upon the combination of the references, and further, Henson teaches away from modifying a method or system disclosed therein based upon disclosures of Van Horn. Henson provides a system that allows a user to *determine* a price from a combination of computer components, not to enter a price that the user is willing to pay for the combination of computer components. *See*, for example, column 6, lines 18-26. Meanwhile, Van Horn discloses a co-op in which members can input the maximum acceptable price that they are willing to pay for a product. The user would be would like to buy the computer of Henson at the low price and would not honestly input the upper limit value of the price that the user is willing to pay.

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In the Office Action, the Examiner rejected Claim 7 under 35 U.S.C. § 103(a) as being obvious over Henson in view of Van Horn in further view of Creese.

First, because Claim 8 depends on Claim 1, Applicant respectfully submits that Claim 7 should be allowed based on the reasons provided above with respect to Claim 1.

Second, Applicant previously submitted that by combining Van Horn and Henson would not enable users to choose exact desired product specifications. The Examiner responded that the user who originally specifies a product that is to be the object of price offers from multiple different users would still be choosing that user's exact desired product specifications. However, this only exemplifies why one of skill in the art would find it to be disadvantageous to combine the references. Henson is directed towards providing a specific combination of computer components for each user. Van Horn relies upon multiple users converging upon a single acceptable product, with only a small subset of users able to obtain a product with the exact desired product specifications. Therefore, one of skill in the art would not be motivated to combine these references since they would accomplish exclusive goals. The Examiner's argument would suggest that in order for the objective of Henson to be accomplished with the combination of the references, each user would originally specify a product, thereby ignoring other previously specified products.

Third, Applicant previously submitted that it would be undesirable to incorporate the step of Van Horn that requires that many users agree upon one product to purchase into the method of Henson; it would slow the purchasing process described in Henson. The Examiner responded that the main focus of Henson's method is the ability to choose a particular exact configuration, not the reduction of lead time. However, column 1, lines 56-63 of Henson state that the customer would be highly inclined to cancel an order after being informed that the delivery time is five weeks as opposed to about one week. This indicates that even Henson recognizes the importance of lead time. Therefore, one of skill in the art would be unmotivated to combine the references as it would be determined to result in a cancellation of orders.

Claim 8 Rejections – 35 USC § 103

In the Office Action, the Examiner rejected Claim 8 under 35 U.S.C. § 103(a) as being obvious over Henson in view of Van Horn in further view of Creese in further view of Tavor.

First, because Claim 8 depends on Claim 1, Applicant respectfully submits that Claim 8 should be allowed based on the reasons provided above with respect to Claim 1. Further, because Claim 8 depends on Claim 7, Applicant respectfully submits that Claim 8 should be allowed based on the reasons provided above with respect to Claim 7.

Second, it would be unobvious to modify the system of Henson to include a function of, if it is not expected as a result of the comparison operation that an appropriate amount of profit will be generated, transmitting, to each purchase wishing person, a message requesting the answer to increase the desired purchasing prices. Henson provides a system that allows a user to *determine* a price from a combination of computer components. Specifically, the price can be automatically updated upon different combinations of computer components. *See*, for example, column 6, lines 18-26. One of skill in the art would conclude that a user would make his final selection of computer components based upon the shown price. Therefore, it would be undesirable to subsequently request a different price.

Third, the system of Henson merely refers to a point price operation: a user determines whether or not to buy a computer configuration based upon a single shown price. Meanwhile, the subject application relates to determining a range of prices since the system records the answer to increasing the desired purchasing prices of the user.

Claims 9 and 11 Rejections – 35 USC § 103

In the Office Action, the Examiner rejected Claims 9-12 under 35 U.S.C. § 103(a) as being obvious over Van Horn in view of Matsuzaki in further view of Henson. In order to establish a *prima facie* case of obviousness, there must be a reasonable expectation of success found in the prior art. Additionally, the prior art references must teach or suggest all of the claim limitations. Applicant submits that the cited references fail to teach or suggest all of the claim limitations, that there is not a reasonable expectation of success for the combination of the references, and that one of skill in the art would find it undesirable to combine the references, as

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described below. Therefore, Applicant submits that Claims 9 and 11 and all corresponding dependent claims are in condition for allowance.

First, Applicant previously argued that Van Horn does not disclose “receiving, from said plurality of user terminals, votes concerning the specifications and image information displayed on said Web page,” but instead merely discloses that users may express an interest in one particular product which happens to include specific specifications. The Examiner replied that the language “votes concerning the specifications” is broad enough to include an indication of interest in a product having particular specifications, like the particular style of wristwatch discussed in column 4, line 17, of Van Horn et al. Applicant maintains that Van Horn discloses an opportunity for a user to express interest in a *product* not in voting for specifications and image information. Each product may be described by a plurality of specifications, making it difficult if not impossible to determine user preference with regard to an individual specification. None of the other cited references disclose “receiving, from said plurality of user terminals, votes concerning the specifications and image information displayed on said Web page,” so Applicant submits that Claims 9 and 11 are not obvious over Van Horn in view of Matsuzaki in further view of Henson.

Second, one would be unmotivated to combine the two references. Applicant previously argued that neither Van Horn nor Matsuzaki describe how the types of image information that would be voted on are decided. Therefore, if users were to vote on information in the method of Van Horn (which is not disclosed), users would vote on too many parameters, thereby reducing the possibility that users would converge upon a single product to purchase. The Examiner replied that how the types of image information that would be voted on are decided is not a limitation of claim 9 or claim 11. However, one of skill in the art would not be enabled to, much less motivated to, combine the references to produce the subject claim.

Claims 10 and 12 Rejections – 35 USC § 103

In the Office Action, the Examiner rejected Claims 10 and 12 under 35 U.S.C. § 103(a) as being obvious over Van Horn in view of Matsuzaki. In order to establish a *prima facie* case of obviousness, there must be a reasonable expectation of success found in the prior art. Additionally, the prior art references must teach or suggest all of the claim limitations. Applicant

submits that the cited references fail to teach or suggest all of the claim limitations, as described below. Therefore, Applicant submits that Claims 10 and 12 and all corresponding dependent claims are in condition for allowance.

Applicant previously submitted that Van Horn does not disclose "in order to determine financial risk regarding the production of the commodity." The Examiner responded that it is possible in Van Horn et al. that a product is developed enough to be described for selling to an online buying group, yet without all of the units to be ultimately sold to the buying group having already been produced. However, Applicant maintains that this limitation is not inherently or explicitly taught in Van Horn. Just as a reference disclosing a general method of making a reservation for a commodity cannot be used to reject, for example, Claim 10, Van Horn and Matsuzaki cannot be used to reject Claims 10 and 12 since neither teaches the referenced limitation.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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